

**OFFICE OF
GENERAL COUNSEL**

Federal Election Commission
Office of Complaints Examination & Legal Administration
Attn: Christal Dennis, 2018 APR 23 PM 2: 46
1050 First Street, NW
Washington D.C. 20463

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2018 APR 23 AM 10: 09

Re: MUR 7353

April 18, 2018

To whom it may concern:

I, Robert Phillips, in my capacity as Treasurer for Victoria Seaman for Congress (Committee) C00652354, 2251 S. Rampart #381, Las Vegas, NV 89128, respond to Complaint 7353 with the Federal Election Commission.

Facts:

On April 12, 2018, the Committee received Complaint 7353. In this document, filer Jericha Deaux alleges the Committee did not properly report in-kind contributions from Danny Tarkanian and his committee Tarkanian for US Senate C00654095. Further, it is alleged that the contributions in question may in fact exceed legal contribution limits.

Evidence cited in the complaint includes a public Facebook post made by Mr. Tarkanian's wife. In this exchange, shown in Exhibit A & Exhibit B of Complaint 7535, Mrs. Tarkanian alleges to have shared "personal info" related to Mr. Tarkanian's current or previous campaigns for federal office as well as invited Mrs. Seaman to "all of Danny's fundraisers" as shown in Exhibit C.

This public post is part of an ongoing conversation between Mrs. Tarkanian and a supporter of Victoria Seaman for Congress and came shortly after Mrs. Seaman announced her departure from a federal congressional race. Around the same time as Mrs. Seaman's departure, Mr. Tarkanian entered that same federal race. The supporter conversing with Mrs. Tarkanian was badgering and blaming Mrs. Tarkanian for Mrs. Seaman's departure.

In her frustration, Mrs. Tarkanian exaggerated the extent of support Victoria Seaman for Congress has received from her, Mr. Tarkanian or any affiliated candidate committee. The "personal info" mentioned was a small list of 80 friends Mr. Tarkanian suggested Victoria reach out to for support. Along with these friends, Mr. Tarkanian also provided suggestions for campaign vendors to Mrs. Seaman. "All of Danny's fundraisers" refers to Mrs. Seaman invitations to multiple events as Mr. Tarkanian's guest for no charge.

Applicable Regulations:

11 CFR § 100.52(d) - the provision of any goods or services without charge or at a charge that is less than the usual and normal charge for such goods or services is a contribution. Examples of such goods or services include, but are not limited to: Securities, facilities, equipment, supplies, personnel, advertising services, membership lists, and mailing lists.

Analysis & Conclusion:

First, there is no issue of in-kind contributions to Victoria Seaman for Congress from Mr. Tarkanian or any affiliated committee for Mrs. Seaman's appearance at any event. There is no specific statute or AO that prohibits one from attending an event in this matter. In fact, it is a constitutional right to gather and speak freely.

The political industry has consistently operated under this constitutional right. Examples of such include political fundraisers operating on suggested donations and allowing attendees to events and fundraisers to donate what they feel comfortable contributing, including inviting guests for free.

Second, there is no issue of in-kind contributions to Victoria Seaman for Congress from Mr. Tarkanian or any affiliated committee for information shared between these individuals. We know from the facts and law provided that the information shared between these parties would only be an in-kind contribution if it is deemed a mailing list.

The list of friends shared was not some secret, internal, large donor mailing list. Nor were the names provided part of some opt-in, Tarkanian fundraising outreach. Mr. Tarkanian has run in multiple federal races and his donors and contacts are abundantly larger than 80 names.

Further, these contacts would need to be cold called by Mrs. Seaman and were not part of any larger print or digital mailing strategy of Victoria Seaman for Congress. What we see is a list of casually recommended contacts from one friend to another. Even under some strange idea that this would be considered a mailing list, the market value of similar sized lists is practically nonexistent.

Finally, it should be reiterated that Mrs. Seaman is no longer a federal candidate, nor is Mr. Tarkanian a candidate for United States Senate.

After analysis of the facts and law, it is clear that there has been no in-kind contribution to Victoria Seaman for Congress. For this reason, further analysis of contribution limits and reporting requirements are not relevant. There is no violation of the Code of Federal Regulations.

Thank you for your time in this matter.

Robert Phillips



Signed and sworn to before me this 18 day of April, 2018.



S. AUGUST FASONE
Notary Public, State of Ohio
My Comm. Expires 06/29/2020
Recorded in Delaware County